

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CALVIN MCRAE

v.

UNITED STATES OF AMERICA

:
: CRIMINAL NO. CCB-07-016
: CIVIL NO. CCB-09-175
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MEMORANDUM

Now pending is a motion to vacate sentence under 28 U.S.C. §2255 filed by federal prison inmate Calvin McRae on January 28, 2009. McRae is serving an agreed-upon sentence of 108 months imposed on April 4, 2007 following his guilty plea to an information charging attempted possession with the intent to distribute 100 grams or more of heroin.¹ He now claims that his lawyer, an experienced attorney with the Office of the Federal Public Defender, was ineffective and coerced him into pleading guilty despite his mental illness. These allegations are completely unsupported by the record. The petition will be denied.

As is clear from the transcript of the guilty plea presented by the government, McRae was fully advised of his rights, admitted to facts establishing guilt, and told the court he was satisfied with counsel's representation. Tr. April 4, 2007 at 13. While McRae apparently suffered from several physical ailments, he at no time indicated any mental illness or difficulty understanding the proceedings. Tr. at 2, 4-5, 20-24. He denied having been threatened, while explaining that his attorney did tell him he might receive a longer sentence if he went to trial and lost. Tr. at 12-13.

¹ McRae's appeal was denied by the Fourth Circuit. 259 Fed. Appx. 565 (2007).

Considering also the overwhelming evidence of McRae's guilt, it is clear that his defense counsel provided excellent representation and in no way violated the standard set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). Nor has McRae presented any evidence whatsoever of a mental condition that impaired his ability to voluntarily enter into his guilty plea.

Accordingly, McRae's Motion will be **Denied** by separate Order.

June 2, 2010
Date

/s/
Catherine C. Blake
United States District Judge